IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3578 OF 2005

Mr. Kaushal Salvi ...Applicant

V/s.

The State of Maharashtra ...Respondent

Shri. G.R. Sharma for the Applicant.
Shri. R.Y. Mirza A.P.P. for the Respondent.

CORAM : A.S. OKA, J.
DATED : JULY 06, 2005.

P.C.:

1. Heard Counsel appearing for the parties. F.I.R. has been registered against the Applicant with Kasturba Marg Police Station, Mumbai for an offence under section 420 of the Indian Penal Code. The allegation of the first informant is that the cheques issued by the Applicant in the sum of Rs.6,86,859/- have been dishonoured. Application for Anticipatory Bail made by the Applicant before the Sessions Court was rejected mainly on the ground that earlier an assurance was given by the Advocate for the Applicant and the Applicant to deposit a sum of Rs.6,86,859/- and the said assurance was not complied with.

2. On 30th June, 2005 the Applicant has deposited the sum of Rs.6,86,859/- in this Court. Considering the deposit of the said amount and considering the nature of allegations made in the F.I.R., this is not a case where custodial interrogation of the Applicant is

required. Hence, the Applicant is entitled to relief of Anticipatory Bail.

3. The amount which is deposited by the Applicant in this Court will have to be transferred to the Court of Metropolitan Magistrate, 26th Court at Borivali so that the Complainant can make appropriate application as regards the said amount. Hence, I pass the following order:

: O R D E R :

i) In event of the arrest of the Applicant in connection with C.R.No.66 of 2005 of Kasturba Marg Police Station, Borivali, Mumbai, the Applicant shall be enlarged on bail subject to furnishing P.R. Bond in the sum of Rs.5,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the Applicant will attend the concerned Police Station as and when called upon to do so.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so

as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating agency. The Applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the Applicant only till chargesheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) Registrar General to transfer the sum of Rs.6,86,859/- to the Court of Metropolitan Magistrate, 26th Court at Borivali, Mumbai. If any Application is made by the complainant in respect of the said amount, the learne Magistrate will not pass any order on the said application without hearing the Applicant.

viii) The parties to act upon an authenticated copy of this order.

JUDGE